

10-01-01

PTO/SB/05 (08-00)

SEQUENCE

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 896034605001

First Inventor Elizabeth K. Barber

Title Gene Expression Control DNA \*\*

Express Mail Label No. EL647229870US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 119]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 54]  
Informal
5. Oath or Declaration [Total Pages 2]
- a. ☒ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
- b. ☐
- i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)  
+paper - 15pgs
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
  - ii. ☐ paper
- c. ☒ Statements verifying identity of above copies 1pg

## ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement [X] Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure [X] Copies of IDS  
Statement (IDS)/PTO-1449 133 Citations  
refs.
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Other: Check # 1006182 \$895.00

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,  
or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. \_\_\_\_\_

Prior application information:

Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under  
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

|         |                                  |           |                |          |               |
|---------|----------------------------------|-----------|----------------|----------|---------------|
| Name    | Barbara E. Arndt, Ph.D.          |           |                |          |               |
|         | JONES, DAY, REAVIS & POGUE       |           |                |          |               |
| Address | North Point, 901 Lakeside Avenue |           |                |          |               |
| City    | Cleveland                        | State     | OH             | Zip Code | 44114         |
| Country | US                               | Telephone | (216) 586-7575 | Fax      | (216) 5790212 |

|                   |                         |                                   |                |
|-------------------|-------------------------|-----------------------------------|----------------|
| Name (Print/Type) | Barbara E. Arndt, Ph.D. | Registration No. (Attorney/Agent) | 37,768         |
| Signature         | Barbara E. Arndt        |                                   | Date 9/28/2001 |

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\*\* Element and Associated Protein

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PTO/SB/17 (11-00)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 895.00

**Complete if Known**

|                      |                     |
|----------------------|---------------------|
| Application Number   |                     |
| Filing Date          | September 28, 2001  |
| First Named Inventor | Elizabeth K. Barber |
| Examiner Name        |                     |
| Group Art Unit       |                     |
| Attorney Docket No.  | 896034605001        |

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

|                        |                          |
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| Deposit Account Number | 50-1432                  |
| Deposit Account Name   | JONES DAY REAVIS & POGUE |

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 710                    | 201 355                    | Utility filing fee     | 355.     |
| 106 320                    | 206 160                    | Design filing fee      |          |
| 107 490                    | 207 245                    | Plant filing fee       |          |
| 108 710                    | 208 355                    | Reissue filing fee     |          |
| 114 150                    | 214 75                     | Provisional filing fee |          |

SUBTOTAL (1) (\$ 355.

**2. EXTRA CLAIM FEES**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 40           | 20** = 20    | 9.             | 180.     |
| 11           | 3** = 8      | 40.            | 320.     |
|              |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18                     | 203 9                      | Claims in excess of 20                                     |
| 102 80                     | 202 40                     | Independent claims in excess of 3                          |
| 104 270                    | 204 135                    | Multiple dependent claim, if not paid                      |
| 109 80                     | 209 40                     | ** Reissue independent claims over original patent         |
| 110 18                     | 210 9                      | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 500.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 105 130                    | 205 65                     | Surcharge - late filing fee or oath  |          |
| 127 50                     | 227 25                     | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130                    | 139 130                    | Non-English specification  |          |
| 147 2,520                  | 147 2,520                  | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112 920*                   | 112 920*                   | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*                 | 113 1,840*                 | Requesting publication of SIR after Examiner action                        |          |
| 115 110                    | 215 55                     | Extension for reply within first month                                     |          |
| 116 390                    | 216 195                    | Extension for reply within second month                                    |          |
| 117 890                    | 217 445                    | Extension for reply within third month                                     |          |
| 118 1,390                  | 218 695                    | Extension for reply within fourth month                                    |          |
| 128 1,890                  | 228 945                    | Extension for reply within fifth month                                     |          |
| 119 310                    | 219 155                    | Notice of Appeal   |          |
| 120 310                    | 220 155                    | Filing a brief in support of an appeal                                     |          |
| 121 270                    | 221 135                    | Request for oral hearing   |          |
| 138 1,510                  | 138 1,510                  | Petition to institute a public use proceeding                              |          |
| 140 110                    | 240 55                     | Petition to revive - unavoidable   |          |
| 141 1,240                  | 241 620                    | Petition to revive - unintentional   |          |
| 142 1,240                  | 242 620                    | Utility issue fee (or reissue)   |          |
| 143 440                    | 243 220                    | Design issue fee   |          |
| 144 600                    | 244 300                    | Plant issue fee  |          |
| 122 130                    | 122 130                    | Petitions to the Commissioner  |          |
| 123 50                     | 123 50                     | Processing fee under 37 CFR 1.17(q)  |          |
| 126 180                    | 126 180                    | Submission of Information Disclosure Stmt                                  |          |
| 581 40                     | 581 40                     | Recording each patent assignment per property (times number of properties) | 40.      |
| 146 710                    | 246 355                    | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 710                    | 249 355                    | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179 710                    | 279 355                    | Request for Continued Examination (RCE)                                    |          |
| 169 900                    | 169 900                    | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.

**SUBMITTED BY**

Name (Print/Type) Barbara E. Arndt

Signature *Barbara E. Arndt*

Registration No. (Attorney/Agent)

37,768

**Complete (if applicable)**

Telephone (216) 586-7575

Date 9/28/2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Elizabeth K. Barber  
Serial No. : not yet assigned  
Filed : September 28, 2001  
Title : **GENE EXPRESSION CONTROL DNA  
ELEMENT AND ASSOCIATED PROTEIN**  
Group Art Unit : not yet assigned  
Examiner : not yet assigned

**LETTER**

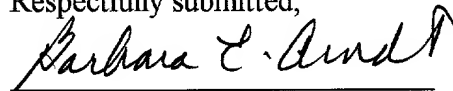
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This application claims priority from U.S. Provisional Application Serial No.  
60/237,079, filed September 30, 2000.

The paper copy and the computer readable form (CRF) of the Sequence Listing  
accompanying this patent application are identical. Applicants respectfully request entry of the  
Sequence Listing into the Specification.

Respectfully submitted,



Barbara E. Arndt, Ph.D.  
Reg. No. 37,768

JONES, DAY, REAVIS & POGUE  
North Point  
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Date of Deposit September 28, 2001

I hereby certify that this paper or fees is  
being deposited with the United States Postal  
Service "Express Mail Post Office to Addressee"  
service under 37 CFR 1.10 on the date indicated  
above and is addressed to: Commissioner  
for Patents, Washington, D.C.

By Stephen O'Brien